

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.
DISPOSITION: 9-18-58. Default—destruction.

25344. Canned Rock Cornish game hens. (F.D.C. No. 41970. S. No. 31-412 P.)

QUANTITY: 98 cases, 588 2-lb. cans total, at Tarrytown, N.Y.

SHIPPED: 12-18-57, from Odessa, Del.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing bacterial decomposition.

LIBELED: 9-4-58, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 10-16-58. Default—destruction.

25345. Frozen chicken chow mein, frozen fried rice with chicken, and rice.
 (F.D.C. No. 41179. S. Nos. 75-873 M, 76-095 M, 76-355 M.)

INFORMATION FILED: 6-18-58, Dist. Mass., against Hung's Food Products, Inc., Cambridge, Mass., and Stephen C. Hung, president and treasurer.

ALLEGED VIOLATION: Between 8-14-57 and 9-16-57, while quantities of rice were being held for sale after shipment in interstate commerce, the defendants caused the article to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

The information alleged also that on 8-26-57, and between 9-11-57 and 10-23-57, the defendants shipped adulterated frozen chicken chow mein and adulterated frozen fried rice with chicken from Massachusetts to Vermont and Rhode Island.

CHARGE: 402(a) (3)—the frozen chicken chow mein contained rodent hair fragments, feather fragments, and insect parts; the frozen fried rice with chicken contained rodent hair fragments, insect parts, feather fragments, and feather barbules; and the rice contained rodent excreta and rodent urine; and 402(a) (4)—the frozen chicken chow mein and the frozen fried rice with chicken were prepared, and the rice was held, under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-29-58. Corporation—\$500 fine; individual—2 years probation.

SPICES, FLAVORS, AND SEASONING MATERIALS

25346. Ginger root. (F.D.C. No. 42285. S. No. 30-825 P.)

QUANTITY: 20 bags, 135 lb. total, at New York, N.Y.

SHIPPED: 10-3-58, from India.

LIBELED: 11-25-58, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 12-11-58. Consent—claimed by Overseas Produce Corp., New York, N.Y. Segregated; 320 lbs. destroyed.

25347. Ginger root. (F.D.C. No. 42251. S. No. 30-823 P.)

QUANTITY: 100 137-lb. bags at New York, N.Y.

SHIPPED: 4-21-58, from India.

LIBELED: 10-31-58, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 11-19-58. Consent—claimed by Overseas Produce Corp., New York, N.Y. Segregated; 1,430 lbs. destroyed.

25348. Ground vanilla beans. (F.D.C. No. 42371. S. No. 17-393 P.)

QUANTITY: 16 100-lb. drums at Cincinnati, Ohio.

SHIPPED: 4-4-56, from Northville, Mich., by Northville Laboratories, Inc.

LIBELED: 11-21-58, S. Dist. Ohio.

CHARGE: 402(b)(1)—when shipped, the valuable constituents of the article, namely, the flavoring principles, had been in part omitted or abstracted therefrom.

DISPOSITION: 12-3-58. Default—destruction.

25349. Vinegar stock. (F.D.C. No. 42334. S. No. 29-646 P.)

QUANTITY: 6,104 gallons at Paris, Tex.

SHIPPED: 9-18-58, from Sebastopol, Calif., by Speas Co.

LIBELED: 10-21-58, E. Dist. Tex.

CHARGE: 402(a)(3)—contained flies, fly eggs, and maggots; and 402(a)(4)—manufactured under insanitary conditions.

DISPOSITION: 12-18-58. Consent—claimed by Speas Co. and converted into fruit spirits.

25350. Vinegar. (Inj. No. 324.)

COMPLAINT FOR INJUNCTION FILED: 1-4-58, W. Dist. Va., against National Fruit Product Co., Inc., Winchester, Va.

CHARGE: The complaint alleged that the defendant had been and was, at the time of the filing of the complaint, operating a plant at Winchester, Va., for the preparation, storage, and distribution of vinegar, a food; that it had been and was, at the time of filing the complaint, storing and holding such food in storage tanks under insanitary conditions resulting from the presence of insect filth on the inside walls of the tanks and in the vinegar contained therein, swarms of fruit flies in the air spaces at the top of the tanks, and loose-fitting covers and trap doors through which insects could enter the tanks; that the defendant had on hand approximately 1,200,000 gallons of insect-contaminated vinegar in 27,000-gallon tanks on its premises; and that the defendant was introducing and causing to be introduced into interstate commerce, vinegar adulterated as follows: 402(a)(3)—the vinegar was contaminated with insects, insect fragments, insect excreta, insect larvae and pupae, insect eggs, maggots and mites; and 402(a)(4)—it was prepared, packed, and held under insanitary conditions.

DISPOSITION: On 1-4-58, the court issued a temporary restraining order. Thereafter, on 2-4-58, the defendant having consented to the entry of a decree, a permanent injunction was entered enjoining the defendant from introducing or delivering for introduction into interstate commerce, the vinegar on hand in defendant's plant on 1-27-58, and stored in a total of 33 tanks, until brought into compliance with the law, under the supervision of the Food and Drug Administration, as follows: the vinegar in the tanks was to be layered off two feet on the bottom and one foot on the top; the vinegar layered off from the top and bottom of the tank was to be pumped to holding tanks and the accumulation distilled, destroyed, or otherwise disposed of under supervision of the Food and Drug Administration; the